

THE FAYETTE COUNTY PLANNING COMMISSION met on August 7, 2003 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

MEMBERS PRESENT: Jim Graw, Chairman
Al Gilbert, Vice-Chairman
Bob Harbison
Bill Beckwith
Douglas Powell

MEMBERS ABSENT: None

STAFF PRESENT: Bill McNally, County Attorney
Kathy Zeitler, Director of Zoning/Zoning Administrator
Delores Harrison, Zoning Technician
Chris Venice, Director of Planning/Community Development Division Dir.
Pete Frisina, Senior Planner
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator
Deputy Warren Chamberlin

Welcome and Call to Order:

Chairman Graw called the meeting to order and led the Pledge of Allegiance. He introduced the Board Members and Staff and confirmed there was a quorum present. He advised the audience that the Planning Commission forwards their recommendation to the Board of Commissioners whose vote is the final decision.

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1. Consideration of the Minutes of the meeting held on June 30, 2003.

Chairman Graw asked the Board Members if they had any comments or changes to the Minutes as circulated. Doug Powell made the motion to approve the Minutes. Al Gilbert seconded the motion. The motion unanimously passed 5-0.

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Chairman Graw explained to the audience that the Preliminary Plat on the agenda is to address the technical aspects of the subdivision of property which was already zoned, and only the technical aspects of the Preliminary Plat could be addressed by the public.

THE FOLLOWING ITEM WILL BE CONSIDERED BY THE PLANNING COMMISSION ONLY ON AUGUST 7, 2003.

2. Consideration of a Preliminary Plat, Malone Forest Subdivision, Robert A. Coker and Robert L. Coker, Owners/Agents. This property consists of 34.3621 acres with 5 proposed single-family dwelling lots. This property is located in Land Lot 137 of the 4th District, fronts on Malone Road, and is zoned A-R.

Robert A. Coker requested approval of the preliminary plat submitted on July 21, 2003.

Chairman Graw asked if there were any comments from the public. Hearing none, he closed the floor from public comments.

Bob Harbison made the motion to approve the preliminary plat submitted on July 21, 2003. Al Gilbert seconded the motion. The motion for approval was unanimously passed 5-0.

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Kathy Zeitler read the procedures that would be followed including the fifteen (15) minute time limitation for presentation and opposition for petitions.

THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON AUGUST 7, 2003 AND BY THE BOARD OF COMMISSIONERS ON AUGUST 28, 2003.

3. **Consideration of Petition No. RDP-003-03, John Boykin of Wyant Golf Enterprises, Inc., Owner, and Michael E. Amos, Agent, request a Revised PUD Development Plan for Whitewater Creek Community PUD for a revised layout of previously approved 47 single-family one-acre units known as Golf Highlands. This property is located in Land Lot 225 of the 4th District and Land Lot 2 of the 6th District, fronts on Redwine Road and Birkdale Drive, and is zoned PUD-PRD.**

John Boykin stated that he was the Chairman and C.E.O. of Wyant Golf Enterprises which is a Georgia not for profit 501C3 Corporation in the process of purchasing Whitewater Country Club from Whitewater Investments, Inc. He advised that as part of that process he is required to meet certain requirements in connection with his application to the U.S. Department of Agriculture for a community facilities credit enhancement program as detailed by the U.S.D.A. He said that program is a guarantee of a bank loan by Heritage Bank in Fayetteville. He commented that one of the avenues in this process is the acquiring of the 234 acres which comprises 27 holes of golf, a clubhouse, and a swim/tennis complex. He remarked that to be able to fund the improvements and renovations, repairs, and upgrades of the clubhouse and also to the original 18 hole Arnold Palmer Signature Design Golf Course that he made the decision to take what comprises 8 of the 9 holes known as Hillside and the current driving range and parcel them together and sell for development. He reported that the 54.6 acre parcel was approved in 1993 for 47 single-family dwelling lots consisting of a minimum of one acre each. He requested a modification to relocate some of the 47 lots to where the current driving range is and then relocate the current driving range to the 9th hole of Hillside for operation purposes. He said that when the facility was built in the middle 80's, the clubhouse served as the only clubhouse for the property and the driving range was built right out the back door which made sense, but with the new clubhouse, and in an endeavor to provide a world class golf facility for Fayette County, this adjustment had to be made, which is why he is asking for the adjustment tonight. He commented that he would be glad to answer any questions and requested approval of the petition.

Chairman Graw asked if there was anyone to speak in favor of the petition.

David Simmons of 115 County Down stated he was a resident of Whitewater Creek, a former member of the Board of Directors for the Homeowners Association, and also one of the Board of Trustees for Wyant Golf Enterprises. He said he had reviewed the revised development plan and he is in total support of the plan. He commented that it would be good for the subdivision and will enhance the operation of the community.

Nancy Tracy of 175 Troon Drive stated she was a current member of the Board but that this is her personal opinion only. She advised that a homeowners meeting was held which was overwhelmingly successful and the homeowners are in favor of this development. She said that the neighborhood will be enhanced and upgrade the neighborhood, improve the property values, and will also add more tax base into the County.

James Tracey of 175 Troon Drive stated he owned a 9,500 square foot home on the 4th tee of the Creekside course. He said part of his view was currently the lake which will now have houses on it which is excellent for the community as a whole. He remarked that there seems to be some confusion about what has happened to the P.U.D. in the past. He commented that the change of the club ownership and the R.T.C. taking over the club from the bank when nobody could pay for the land is so far in the past that the statute of limitations has expired. He went on to say that the P.C. had fulfilled their duties and responsibilities to the citizens of Fayette County when they maintained that an 18 hole golf course would not be allowed to be used for anything else. He added that

everyone is talking about greenspace and the golf course was the greenspace. He reported that Highgrove was once a part of it but the Whitewater Creek board told them to go away so there is still a legitimate P.U.D. He stated that what the U.S. government did, they did and nothing can be said about it because the laws are the laws, so if someone had a complaint 7 years ago, they should have made it.

Chairman Graw asked if there was anyone to speak in opposition of the petition.

Marilyn Rogers of 290 Birkdale Drive stated that she has lived in the subdivision about 3 years. She said she paid a membership fee to join the country club and was told that the membership was transferrable along with the home, but obviously things changed and the new owner took over and new rules went into play. She remarked that she owned an 8,000 square foot house on Whitewater and she is concerned about the greenspace area which will change the view from Redwine Road and the area around the lake. She asked for an explanation about what the P.U.D. was because the homeowners have been told so many different things about what comprised the P.U.D. She added that she was not so much opposed to what they are trying to do, but would like an honest answer as to what the P.U.D. is, because she has received numerous documents through the H.O.A. which are very conflicting and also documents from Fayette County. She said that at the homeowners meeting which they are referring to that the P.U.D. for Whitewater Creek is in Highgrove and everyone should go jump in their pool. She went on to say that before she agrees to this proposal that she know what the P.U.D. is for Whitewater Creek and what impact this plan will have for the homeowners.

Chairman Graw responded that Staff could answer the first question but Mr. Boykin would have to answer the second question. He advised that in 1983 Whitewater Creek was approved as a P.U.D., however the definition has changed and he asked Kathy Zeitler to explain what is a P.U.D.

Kathy Zeitler stated that the definition had not changed. She said that the Whitewater Creek PUD does include the area on the west side of Redwine Road, the Highgrove area. She confirmed that the P.U.D. was approved in 1983 for a total of 691 units with 600 square feet of open space required per unit which equals 9.5 acres for the entire P.U.D. She added that the P.U.D. does meet this requirement. She confirmed that the 47 lots have been approved which are included in the 691 total.

Ms. Rogers asked what P.R.D. stood for.

Mrs. Zeitler replied Planned Residential Development.

Ms. Rogers confirmed that both Whitewater Creek and Highgrove were required to have a total of 9.5 acres of open space.

Mrs. Zeitler replied that this was the minimum required in 1983, however the current ordinance requires 2,500 square feet per dwelling unit.

Ms. Rogers asked would there be enough open space for their proposal to meet the 2,500 square foot requirement.

Mrs. Zeitler advised that the Whitewater P.U.D. was required to have at least 9.5 acres of open space based on their 1983 approval.

Chairman Graw added that the P.U.D. was approved in 1983 and that you can't make the current rules apply now.

Ms. Rogers said that she was under the impression that the golf course was the P.U.D. for the community and that any change to that needed to be approved by the zoning commission. She thanked the P.C. for their time.

Ernest Turner of 200 Turnberry advised that he was sent a memo dated January 18, 2003 which stated that the open space was to be deeded to the H.O.A. and asked if the H.O.A. had ever taken control of the open space.

Attorney McNally replied that what the County requires needs to be separated from what the H.O.A. requires. He advised that the plan called for a golf course and there is a golf course and there is going to have to be a golf course. He stated that the County cannot control who owns what portion because it is not within the County's authority. He added that the golf course was part of the P.U.D. plan.

Mr. Turner asked if the golf course was built by an individual owner/buyer of the land.

Attorney McNally replied yes sir. He added that different areas of the P.U.D. were developed by different people which makes no difference to the County as long as the P.U.D. concept which was filed with the County remains the same, which is a set number of houses, the open space, and the use of the land. He advised that there are far less houses than the original plan.

In rebuttal, Mr. Boykin said that he has a contract to sell the property for the 47 homes to a local developer who resides in Whitewater Creek. He stated that the local developer has a beautiful home and the new homes will be in the \$600,000 plus price range. He remarked that it was his commitment that the combination of this quality of homes, pricing of homes, and the upgrades and improvements which he is committed to do. He added that the new club will certainly enhance the entire recreational experience for not only Whitewater Creek but the County as a whole. He commented that property values of the homeowners will increase significantly. He closed by saying that he hoped this answered any questions.

Hearing no further comments, Chairman Graw closed the floor from public comments.

Bob Harbison made the motion to approve the petition as submitted. Al Gilbert seconded the motion. The motion for approval was unanimously passed 5-0.

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Chairman Graw advised that there would be a Workshop immediately following the Public Hearing to discuss the Land Use Plan Map and asked if there was any further business.

Kathy Zeitler reminded the P.C. of the Workshop scheduled for August 21, 2003 in the Board of Commissioners Conference Room, Suite 100 at 7:00 P.M.

There being no further business, Bob Harbison made the motion to adjourn the meeting. Bill Beckwith seconded the motion. The motion for adjournment unanimously passed 5-0. The meeting adjourned at 7:36 P.M.

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PLANNING COMMISSION
OF
FAYETTE COUNTY

ATTEST:

JIM GRAW
CHAIRMAN

ROBYN S. WILSON
SECRETARY